

House Study Bill 122

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
EDUCATION BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the duties and operations of the state board
2 of education, the department of education, and local school
3 boards, including provisions relating to dropout and dropout
4 prevention programs, high school equivalency diplomas, the
5 school start date, evening and part-time schools, open
6 enrollment, requirements for school bus drivers, and extended
7 school programs.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
9 TLSB 1200DP 81
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1 1 Section 1. Section 257.38, unnumbered paragraph 1, Code
1 2 2005, is amended to read as follows:
1 3 Boards of school districts, individually or jointly with
1 4 boards of other school districts, requesting to use additional
1 5 allowable growth for programs for returning dropouts and
1 6 dropout prevention pursuant to section 257.40, shall annually
1 7 submit comprehensive program plans for the programs and budget
1 8 costs, including requests for additional allowable growth for
1 9 funding the programs, to the department of education as
1 10 provided in this chapter a component of the comprehensive
1 11 school improvement plan submitted to the department pursuant
1 12 to section 256.7, subsection 21. The program plans shall
1 13 include:
1 14 Sec. 2. Section 257.38, unnumbered paragraph 2, Code 2005,
1 15 is amended to read as follows:
1 16 Program plans shall identify the parts of the plan that
1 17 will be implemented first upon approval of the ~~application~~
1 18 request. If a district is requesting to use additional
1 19 allowable growth to finance the program, ~~it the district~~ shall
1 20 not identify more than five percent of its budget enrollment
1 21 for the budget year as returning dropouts and potential
1 22 dropouts.
1 23 Sec. 3. Section 257.40, Code 2005, is amended to read as
1 24 follows:
1 25 257.40 PLANS FOR RETURNING DROPOUTS AND DROPOUT
1 26 PREVENTION.
1 27 The board of directors of a school district requesting to
1 28 use additional allowable growth for programs for returning
1 29 dropouts and dropout prevention shall submit ~~applications a~~
1 30 request for approval for the programs additional allowable
1 31 growth, including budget costs, to the department not later
1 32 than November 1 December 15 preceding the budget year during
1 33 which the program will be offered. The department shall
1 34 review the ~~program plans request~~ and shall prior to January 15
1 35 either grant approval for the ~~program request~~ or return the
2 1 request for approval with comments of the department included.
2 2 An unapproved request for a program may be resubmitted with
2 3 modifications to the department not later than February 1.
2 4 Not later than February 15, the department shall notify the
2 5 department of management and the school budget review
2 6 committee of the names of the school districts for which
2 7 programs using additional allowable growth for funding have
2 8 been approved and the approved budget of each program listed
2 9 separately for each school district having an approved ~~program~~
2 10 request.
2 11 Sec. 4. Section 259A.1, Code 2005, is amended to read as
2 12 follows:
2 13 259A.1 TESTS.
2 14 The department of education shall cause to be made

2 15 available for qualified individuals a high school equivalency
2 16 diploma. The diploma shall be issued on the basis of
2 17 satisfactory competence as shown by tests covering: ~~The~~
~~2 18 correctness and effectiveness of expression; the~~
~~2 19 interpretation of reading materials in the social studies;~~
~~2 20 interpretation of reading material in the natural sciences;~~
~~2 21 interpretation of literary materials; and general mathematical~~
~~2 22 ability language arts, reading; language arts, writing;~~
~~2 23 mathematics; science; and social studies.~~

2 24 Sec. 5. Section 259A.3, Code 2005, is amended to read as
2 25 follows:

2 26 259A.3 NOTICE AND FEE.

2 27 Any applicant who has achieved the minimum passing
2 28 standards as established by the department, and approved by
2 29 the state board, shall be issued a high school equivalency
2 30 diploma by the department upon payment of ~~an additional five~~
~~2 31 dollars a fee as set by rule by the state board of education~~
~~2 32 to cover the actual costs of the production and distribution~~
~~2 33 of the diploma.~~

2 34 Sec. 6. Section 279.10, subsection 1, Code 2005, is
2 35 amended to read as follows:

3 1 1. The school year shall begin on ~~the first day of July 1~~
~~3 2 and each regularly established elementary and secondary school~~
~~3 3 shall begin no sooner than a day during the calendar week in~~
~~3 4 which the first day of September falls but no later than the~~
~~3 5 first Monday in December. However, if the first day of~~
~~3 6 September falls on a Sunday, school may begin on a day during~~
~~3 7 the calendar week which immediately precedes the first day of~~
~~3 8 September. School~~ The school calendar shall continue for at
3 9 least one hundred eighty days, except as provided in
3 10 subsection 3, and may be maintained during the entire calendar
3 11 year. However, if the board of directors of a district
3 12 extends the school calendar because inclement weather caused
3 13 the district to temporarily close school during the regular
3 14 school calendar, the district may excuse a graduating senior
3 15 who has met district or school requirements for graduation
3 16 from attendance during the extended school calendar. A school
3 17 corporation may begin employment of personnel for in-service
3 18 training and development purposes before the date to begin
3 19 elementary and secondary school.

3 20 Sec. 7. Section 279.10, subsection 4, Code 2005, is
3 21 amended by striking the subsection.

3 22 Sec. 8. Section 282.1, unnumbered paragraph 1, Code 2005,
3 23 is amended to read as follows:

3 24 Persons between five and twenty-one years of age are of
3 25 school age. ~~A board may establish and maintain evening~~
~~3 26 schools or an educational program under section 282.1A for~~
~~3 27 residents of the corporation regardless of age and for which~~
~~3 28 no tuition need be charged.~~ Nonresident children shall be
3 29 charged the maximum tuition rate as determined in section
3 30 282.24, subsection 1, with the exception that those residing
3 31 temporarily in a school corporation may attend school in the
3 32 corporation upon terms prescribed by the board, and boards
3 33 discontinuing grades under section 282.7, subsection 1 or
3 34 subsections 1 and 3, shall be charged tuition as provided in
3 35 section 282.24, subsection 2.

4 1 Sec. 9. Section 282.18, subsection 2, Code 2005, is
4 2 amended to read as follows:

4 3 2. ~~By January~~ April 1 of the preceding school year for
~~4 4 students entering grades one through twelve, or by September 1~~
~~4 5 of the current school year for students entering kindergarten,~~
4 6 the parent or guardian shall send notification to the district
4 7 of residence ~~and the receiving district,~~ on forms prescribed
4 8 by the department of education, that the parent or guardian
4 9 intends to enroll the parent's or guardian's child in a public
4 10 school in another school district. If a parent or guardian
4 11 fails to file a notification that the parent intends to enroll
4 12 the parent's or guardian's child in a public school in another
4 13 district by the deadline of ~~January 1 of the previous year~~
~~4 14 specified in this subsection,~~ and one of the criteria defined
4 15 in subsection 4 exists for the failure to meet the deadline ~~or~~
~~4 16 if the request is to enroll a child in kindergarten in a~~
~~4 17 public school in another district,~~ the parent or guardian
4 18 shall be permitted to enroll the child in the other district
4 19 in the same manner as if the deadline had been met.

4 20 The board of directors of a school district may adopt a
4 21 policy granting the superintendent of the school district
4 22 authority to approve timely filed open enrollment
4 23 applications. However, a board of directors of a school
4 24 district shall not grant the superintendent authority to deny
4 25 open enrollment applications, except as provided in subsection

4 26 3. The board of the school district of residence or the
4 27 superintendent granted approval authority shall take action on
4 28 an open enrollment request not later than May 1 of the
4 29 previous school year for students entering grades one through
4 30 twelve, and shall transmit any approved request not later than
4 31 five days after board or administrative action on the request.

4 32 The board of the receiving district or the superintendent
4 33 granted approval authority shall take action on a request for
4 34 students entering grades one through twelve by June 1 of the
4 35 preceding school year. The board of the receiving district
5 1 shall enroll the pupil in a school in the receiving district
5 2 for the following school year unless the receiving district
5 3 does not have classroom space for the pupil. If the request
5 4 is granted, the board shall transmit a copy of the form to the
5 5 parent or guardian and the school district of residence within
5 6 five days after board or administrative action, but not later
5 7 than ~~March~~ June 1 of the preceding school year. The parent or
5 8 guardian may withdraw the request at any time prior to the
5 9 start of the school year. A denial of a request by the board
5 10 of either a district of residence or a receiving district is
5 11 not subject to appeal to the department of education or the
5 12 state board of education.

5 13 Sec. 10. Section 282.18, subsection 4, paragraph b, Code
5 14 2005, is amended to read as follows:

5 15 b. For purposes of this section, "good cause" means a
5 16 change in a child's residence due to a change in family
5 17 residence, a change in the state in which the family residence
5 18 is located, a change in a child's parents' marital status, a
5 19 guardianship or custody proceeding, placement in foster care,
5 20 adoption, participation in a foreign exchange program, or
5 21 participation in a substance abuse or mental health treatment
5 22 program, or a similar set of circumstances consistent with the
5 23 definition of "good cause"; or a change in the status of a
5 24 child's resident district such as removal of accreditation by
5 25 the state board, surrender of accreditation, or permanent
5 26 closure of a nonpublic school, revocation of a charter school
5 27 contract as provided in section 256F.8, the failure of
5 28 negotiations for a whole-grade sharing, reorganization,
5 29 dissolution agreement or the rejection of a current whole-
5 30 grade sharing agreement, or reorganization plan, or a similar
5 31 set of circumstances consistent with the definition of "good
5 32 cause". If the good cause relates to a change in status of a
5 33 child's school district of residence, however, action by a
5 34 parent or guardian must be taken to file the notification
5 35 within forty-five days of the last board action or within
6 1 thirty days of the certification of the election, whichever is
6 2 applicable to the circumstances.

6 3 Sec. 11. Section 282.18, subsection 4, paragraphs a and c,
6 4 Code 2005, are amended by striking the paragraphs.

6 5 Sec. 12. Section 282.18, subsections 5 and 6, Code 2005,
6 6 are amended to read as follows:

6 7 5. Open enrollment applications filed after ~~January~~ April
6 8 1 of the preceding school year that do not qualify for good
6 9 cause as provided in subsection 4 shall be subject to the
6 10 approval of the board of the resident district and the board
6 11 of the receiving district. The parent or guardian shall send
6 12 notification to the district of residence and the receiving
6 13 district that the parent or guardian seeks to enroll the
6 14 parent's or guardian's child in the receiving district. A
6 15 decision of either board to deny an application filed under
6 16 this subsection involving repeated acts of harassment of the
6 17 student by one or more peers of the student, or involving a
6 18 serious health condition of the student that the resident
6 19 district cannot adequately address is subject to appeal under
6 20 section 290.1. The state board shall exercise broad
6 21 discretion to achieve just and equitable results that are in
6 22 the best interest of the affected child or children.

6 23 6. A request under this section is for a period of not
6 24 less than one year. If the request is for more than one year
6 25 and the parent or guardian desires to have the pupil enroll in
6 26 a different district, the parent or guardian may petition the
6 27 current receiving district by ~~January~~ April 1 of the previous
6 28 school year for permission to enroll the pupil in a different
6 29 district for a period of not less than one year. Upon receipt
6 30 of such a request, the current receiving district board may
6 31 act on the request to transfer to the other school district at
6 32 the next regularly scheduled board meeting after the receipt
6 33 of the request. The new receiving district shall enroll the
6 34 pupil in a school in the district unless there is insufficient
6 35 classroom space in the district or unless enrollment of the
7 1 pupil would adversely affect the court-ordered or voluntary

7 2 desegregation plan of the district. A denial of a request to
7 3 change district enrollment within the approved period is not
7 4 subject to appeal. However, a pupil who has been in
7 5 attendance in another district under this section may return
7 6 to the district of residence and enroll at any time, once the
7 7 parent or guardian has notified the district of residence and
7 8 the receiving district in writing of the decision to enroll
7 9 the pupil in the district of residence.

7 10 Sec. 13. Section 285.11, subsection 9, Code 2005, is
7 11 amended by striking the subsection.

7 12 Sec. 14. Section 299.4, Code 2005, is amended to read as
7 13 follows:

7 14 299.4 REPORTS AS TO PRIVATE INSTRUCTION.

7 15 The parent, guardian, or legal custodian of a child who is
7 16 of compulsory attendance age, who places the child under
7 17 competent private instruction under either section 299A.2 or
7 18 299A.3, not in an accredited school or a home school
7 19 assistance program operated by a public or accredited
7 20 nonpublic school, shall furnish to the public school district,
7 21 by September 15 annually, a report in duplicate on forms
7 22 provided by the public school district, ~~to the district by the~~
7 23 ~~earliest starting date specified in section 279.10, subsection~~
7 24 ~~1.~~ The secretary shall retain and file one copy and forward
7 25 the other copy to the district's area education agency. The
7 26 report shall state the name and age of the child, the period
7 27 of time during which the child has been or will be under
7 28 competent private instruction for the year, an outline of the
7 29 course of study, texts used, and the name and address of the
7 30 instructor. The parent, guardian, or legal custodian of a
7 31 child, who is placing the child under competent private
7 32 instruction for the first time, shall also provide the
7 33 district with evidence that the child has had the
7 34 immunizations required under section 139A.8. The term
7 35 "outline of course of study" shall include subjects covered,
8 1 lesson plans, and time spent on the areas of study.

8 2 Sec. 15. Section 321.376, subsection 1, Code 2005, is
8 3 amended to read as follows:

8 4 1. The driver of a school bus shall hold a driver's
8 5 license issued by the department of transportation valid for
8 6 the operation of the school bus and a certificate of
8 7 qualification for operation of a commercial motor vehicle
8 8 issued by a physician licensed pursuant to chapter 148 or
8 9 150A, physician's assistant, advanced registered nurse
8 10 practitioner, or chiropractor or any other person identified
8 11 by federal and state law as authorized to perform physical
8 12 examinations, and shall successfully complete an approved
8 13 course of instruction in accordance with subsection 2. A
8 14 person holding a temporary restricted license issued under
8 15 chapter 321J shall be prohibited from operating a school bus.
8 16 The department of education shall ~~revoke or~~ refuse to issue an
8 17 authorization to operate a school bus to any person who, after
8 18 notice and opportunity for hearing, is determined to have
8 19 committed any of the acts proscribed under section 321.375,
8 20 subsection 2. The department of education shall take adverse
8 21 action against any person who, after notice and opportunity
8 22 for hearing, is determined to have committed any of the acts
8 23 proscribed under section 321.375, subsection 2, paragraphs "a"
8 24 through "d", or is determined not to be physically or mentally
8 25 competent under section 321.375, subsection 2, paragraph "e",
8 26 unless the person was qualified to operate a school bus as
8 27 provided in section 321.375, subsection 3. Notwithstanding
8 28 section 321.375, subsection 2, such action may include a
8 29 reprimand or warning to the person or the suspension or
8 30 revocation of the person's authorization to operate a school
8 31 bus. The department of education shall recommend, and the
8 32 state board of education shall adopt under chapter 17A, rules
8 33 and procedures for issuing, suspending, and revoking
8 34 authorization to operate a school bus in this state. Rules
8 35 and procedures adopted shall include, but are not limited to,
9 1 provisions for the suspension or revocation of, or refusal to
9 2 issue, authorization to persons who are determined to have
9 3 committed any of the acts proscribed under section 321.375,
9 4 subsection 2.

9 5 Sec. 16. Sections 257.17 and 282.1A, Code 2005, are
9 6 repealed.

9 7 Sec. 17. Chapters 288 and 289, Code 2005, are repealed.

9 8 EXPLANATION

9 9 This bill amends numerous Code sections related to the
9 10 duties and operations of the state board of education, the
9 11 department of education, and local school boards, including
9 12 provisions relating to the submission of dropout and dropout

9 13 prevention plans to the department and the submission of
9 14 requests for additional allowable growth to the school budget
9 15 review committee by school boards; the competency requirements
9 16 persons must meet to receive a high school equivalency
9 17 diploma, and the fees set for issuance of the diploma; the
9 18 school start date; evening and part-time schools; open
9 19 enrollment deadlines, approval authority for superintendents,
9 20 and denial of a request involving the harassment or health of
9 21 a student; the health and fitness of school bus drivers; and
9 22 extended school programs.

9 23 The bill makes changes to Iowa Code provisions as follows:
9 24 Code sections 257.38, unnumbered paragraphs 1 and 2, and
9 25 257.40: Provide that plans and budgets for dropout and
9 26 dropout prevention programs, for which school districts are
9 27 seeking additional allowable growth authority from the school
9 28 budget review committee, must be submitted to the department
9 29 of education as a component of the comprehensive school
9 30 improvement plan that school districts must annually submit to
9 31 the department. The bill also delays the date by which
9 32 requests for additional allowable growth for those programs
9 33 must be submitted from November 1 to December 15.

9 34 Code sections 257.17 and 279.10, subsections 1 and 4, and
9 35 299.4: Strike language related to the start of the school
10 1 calendar and eliminate the waiver and the penalties for school
10 2 districts that start their school calendar prior to the day
10 3 during the calendar week in which September 1 falls. The bill
10 4 makes a conforming change to require that competent private
10 5 instruction reports must be submitted by September 15, rather
10 6 than by the earliest school start date.

10 7 Code sections 259A.1 and 259A.3: Change the criteria for
10 8 evidence of satisfactory competence necessary for issuance of
10 9 a high school equivalency diploma. The bill requires that a
10 10 diploma be issued on the basis of satisfactory competence as
10 11 shown by tests covering language arts, including reading and
10 12 writing, mathematics, science, and social studies. The bill
10 13 eliminates the \$5 fee for issuance of the diploma, but allows
10 14 the state board of education to set by rule a fee to cover the
10 15 actual costs for issuance of the diploma.

10 16 Code sections 282.1, unnumbered paragraph 1, and 282.1A:
10 17 Eliminate language related to extended school programs, which
10 18 are identified in the Code as programs school districts may
10 19 voluntarily establish for residents of the school district who
10 20 are over 21 years of age, do not possess a high school diploma
10 21 or a high school equivalency diploma under Code chapter 259A,
10 22 and are enrolled in an education program in the district.
10 23 Residents attending such a program are counted in the
10 24 district's basic enrollment and attend on a tuition-free
10 25 basis.

10 26 Code section 282.18, subsection 2, subsection 4, and
10 27 subsections 5 and 6: Establish grade-related application
10 28 deadlines for open enrollment of April 1 of the preceding
10 29 school year for students entering grades 1-12 and September 1
10 30 of the current school year for students entering kindergarten.
10 31 The bill permits a school board to grant the district
10 32 superintendent the authority to approve timely filed open
10 33 enrollment applications, but not the authority to deny an
10 34 application, except as provided in the current Code, when the
10 35 denial is based on the effect the decision will have on the
11 1 district's desegregation order or plan. The bill sets
11 2 deadlines by which the resident and receiving districts must
11 3 take action on a request, and establishes that denial of a
11 4 request by a board is not subject to appeal to either the
11 5 department or the state board. The bill also eliminates a
11 6 provision that permits a resident district to request that the
11 7 department review and take appropriate action when the
11 8 resident district believes that a receiving district is
11 9 unreasonable in approving applications. The bill amends the
11 10 definition of "good cause" to allow for circumstances similar
11 11 to those circumstances listed currently in the Code. The bill
11 12 amends a provision related to the appeal of a denial of an
11 13 application involving repeated acts of harassment of the
11 14 student to provide that the harassment must be by one or more
11 15 of the student's peers.

11 16 Code sections 285.11, subsection 9, and 321.376, subsection
11 17 1: Eliminate a provision that requires school bus drivers to
11 18 present a certificate of physical fitness each year before
11 19 being permitted to operate any vehicles transporting children
11 20 to and from school. Also, Code section 321.375, subsection 2,
11 21 lists the conditions that constitute grounds for a school bus
11 22 driver's immediate suspension from duties, pending a
11 23 termination hearing and confirmation of the grounds by the

11 24 school district or accredited nonpublic school. The bill adds
11 25 language to require the department to take adverse action
11 26 against a person found to have committed any of the acts
11 27 proscribed under Code section 321.375, subsection 2, which may
11 28 include a reprimand or warning. Current Code language
11 29 requires the department to suspend or revoke the person's
11 30 authorization. The department and the state board are also
11 31 directed to recommend and adopt rules and procedures for
11 32 suspending authorization to operate a school bus in this
11 33 state.
11 34 Code chapters 288 and 289: The bill repeals Code chapters
11 35 that authorize evening and part-time schools. Code chapter
12 1 288 requires school districts to establish an evening school
12 2 when 10 or more persons over age 16 express a desire for
12 3 instruction at an evening school for not less than two hours
12 4 each evening for at least two evenings each week for not less
12 5 than three months of each school year. Code chapter 289
12 6 requires school districts in cities of 12,000 or more to
12 7 establish and maintain part-time schools when 15 or more
12 8 children residing in the district who are between 14 and 16
12 9 years of age cease to attend the full-time day school.
12 10 LSB 1200DP 81
12 11 kh/gg/14.1